

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TENNESSEE
AT CHATTANOOGA**

UNITED STATES OF AMERICA)
) Case No. 1:19-cr-46-5
v.)
) Judge Travis R. McDonough
DEONTA BANKS)
) Magistrate Judge Susan K. Lee
)

ORDER

U.S. Magistrate Judge Susan K. Lee filed a report and recommendation (Doc. 246) recommending that the Court: (1) grant Defendant's motion to withdraw his not-guilty plea as to Count Fourteen of the nineteen-count Superseding Indictment; (2) accept Defendant's guilty plea to the lesser-included offense of the charge in Count Fourteen of the Superseding Indictment, that is of possession with intent to distribute a mixture and substance containing a detectable amount of cocaine base ("crack"), a Schedule II controlled substance in violation of 21 U.S.C. §§ 841(a)(1) and 841(b)(1)(C); (3) adjudicate Defendant guilty of the lesser-included offense of the charge in Count Fourteen of the Superseding Indictment, that is of possession with intent to distribute a mixture and substance containing a detectable amount of cocaine base ("crack"), a Schedule II controlled substance in violation of 21 U.S.C. §§ 841(a)(1) and 841(b)(1)(C); (4) defer a decision on whether to accept the amended plea agreement (Doc. 224) until sentencing; and (5) order that Defendant remain in custody until sentencing in this matter. Neither party filed a timely objection to the report and recommendation. After reviewing the record, the Court agrees with Magistrate Judge Lee's report and recommendation. Accordingly,

the Court **ACCEPTS** and **ADOPTS** the magistrate judge's report and recommendation (Doc. 246) pursuant to 28 U.S.C. § 636(b)(1) and **ORDERS** as follows:

1. Defendant's motion to withdraw his not-guilty plea to Count Fourteen of the nineteen-count Superseding Indictment is **GRANTED**;
2. Defendant's plea of guilty to the lesser-included offense of the charge in Count Fourteen of the Superseding Indictment, that is of possession with intent to distribute a mixture and substance containing a detectable amount of cocaine base ("crack"), a Schedule II controlled substance in violation of 21 U.S.C. §§ 841(a)(1) and 841(b)(1)(C) is **ACCEPTED**;
3. Defendant is hereby **ADJUDGED** guilty of the lesser-included offense of the charge in Count Fourteen of the Superseding Indictment, that is of possession with intent to distribute a mixture and substance containing a detectable amount of cocaine base ("crack"), a Schedule II controlled substance in violation of 21 U.S.C. §§ 841(a)(1) and 841(b)(1)(C);
4. A decision on whether to accept the amended plea agreement is **DEFERRED** until sentencing; and
5. Defendant **SHALL REMAIN** in custody until sentencing in this matter which is scheduled to take place on **June 5, 2020 at 9:00 a.m. [EASTERN]** before the undersigned.

SO ORDERED.

/s/Travis R. McDonough

TRAVIS R. MCDONOUGH
UNITED STATES DISTRICT JUDGE